

**ZONING BOARD OF APPEALS  
SPECIAL MEETING MINUTES**

**JANUARY 9, 2006**

**PRESENT:** Mary Cardin, Kenneth Braga, Robert Palozej, Mark Spurling, William Harford and Alternate Robert Wambolt

**ABSENT:** Aaron Rossow and Alternate Joseph Snyder

**STAFF**

**PRESENT:** Lisa Houlihan, ZEO and Reanna Goodreau, Recording Secretary

**I. CALL TO ORDER:**

Chairman Cardin called the Zoning Board of Appeals (ZBA) meeting to order at 7:04 p.m. at the Ellington Town Hall Annex, 57 Main Street, Ellington, CT.

**II. PUBLIC COMMENTS: NONE**

**III. PUBLIC HEARINGS:**

1. #V200520— Robert J. Evaristo for a variance to Ellington Zoning Regulations, Section 7.7b(4)(b) Signs Permitted in Residential Zones: to allow a detached sign with sign area of 20 square feet and height of 6' on property located at 304 Somers Road, APN 083-004-0000 in a RA Zone.

**TIME:** 7:05 p.m.

**SEATED:** M. Cardin, K. Braga, R. Palozej, M. Spurling, W. Harford and R. Wambolt

Bob Evaristo came forward to explain the request. He stated he has bought the property, but has not closed on it and that he is looking to have a larger sign for his insurance business than the 6 square foot allowed by the regulations. Mr. Evaristo noted that he understood that the Planning and Zoning Commission would be changing the zone of the parcel from RA to C, which would allow a larger sign. He felt that the proposed sign was appropriate for the neighborhood.

Chairman Cardin stated that she did not see a hardship.

**MOVED (SPURLING), SECONDED (WAMBOLT) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #V200520—ROBERT J. EVARISTO.**

The commission discussed the fact that there was no legal hardship. They also noted that the Planning and Zoning Commission is looking into changing the zoning in that area from RA to C, which would resolve the signage size issue.

**MOVED (PALOZEJ), SECONDED (HARFORD) AND DENIED (AYE: PALOZEJ) TO APPROVE #V200520—ROBERT J. EVARISTO FOR A VARIANCE TO ALLOW A DETACHED SIGN WITH SIGN AREA OF 20 SQUARE FEET AND HEIGHT OF 6'.**

**APPLICATION DENIED DUE TO APPLICANT'S FAILURE TO DEMONSTRATE A LEGAL HARDSHIP.**

2. #V200521— Ellington Congregational Church for a variance to Ellington Zoning Regulations, Section 5.2 Area & Yard Requirements Schedule & Section 5.3 Reduced Lot Area: to allow a lot to have an area of 27, 543 square feet on property located at 76 Main Street, APN 063-042-0000 in an A Zone.

**TIME:** 7:25 p.m.

**SEATED:** M. Cardin, K. Braga, R. Palozej, W. Harford and R. Wambolt

Rachel Dearborn, Landmark Surveys, came forward to explain the application. She stated the 9½ acre parcel that follows behind the Ellington Congregational Church is being purchased by three people, including the church. She pointed out where they would like to create a lot line adjustment so that the house can be sold and the church could expand the parking area. She noted that the parcel with the home would only be approximately 27,000 square feet and that small lots are characteristic of the neighborhood.

Commissioner Braga asked how much land the parcel would need to be conforming and Reanna Goodreau stated that since it does not have proper frontage, it would be considered a rear lot and would need 80,000 square feet. Chairman Cardin asked why the home cannot maintain a conforming lot area and Ms. Dearborn stated that the two other buyers would like to expand their properties and the person interested in the home does not want a lot of land behind the home. Jack Hagopian, Chairman of the Board of Trustees, stated that the church needs additional parking.

The board discussed the fact that there is not a legal hardship based on what has been presented and testimony given. Commissioner Wambolt suggested that the applicant submit a plan showing the complete proposal, which would show the parking and how the land would be split. Chairman Cardin noted that the hearing could be continued in order for the applicant to provide more detailed plans and for them to prove a legal hardship. Mr. Hagopian stated that he would like to continue the hearing to the February meeting.

**MOVED (PALOZEJ), SECONDED (WAMBOLT) AND PASSED UNANIMOUSLY TO CONTINUE THE PUBLIC HEARING FOR #V200521—ELLINGTON CONGREGATIONAL CHURCH TO THE FEBRUARY 6, 2006 MEETING.**

#### **IV. UNFINISHED BUSINESS:**

1. General Discussion of Zoning Regulations

Chairman Cardin noted that she has not contacted the chairman of the Planning and Zoning Commission. She requested that this item be continued to the February meeting.

#### **CONTINUED TO THE FEBRUARY 6, 2006 MEETING.**

2. Discussion of Interpretation of When a Variance is Required

Lisa Houlihan, ZEO, stated that she spoke with Reanna Goodreau about this item. She noted that she would like more time to see what types of applications are submitted to the board and that she would check to see how other towns interpret this. Ms. Houlihan stated that initially, she believes that the existing interpretation is the way she would continue to view when variances are required, but noted that it is the board's decision.

#### **CONTINUED TO THE FEBRUARY 6, 2006 MEETING.**

#### **V. NEW BUSINESS: NONE**

#### **VI. ADMINISTRATIVE BUSINESS:**

1. Election of Officers

**MOVED (BRAGA), SECONDED (WAMBOLT) AND PASSED UNANIMOUSLY TO NOMINATE MARY CARDIN AS CHAIRMAN.**

**MOVED (BRAGA), SECONDED (WAMBOLT) AND PASSED UNANIMOUSLY TO CLOSE NOMINATIONS FOR CHAIRMAN.**

**MOVED (WAMBOLT), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO ELECT MARY CARDIN AS CHAIRMAN.**

**MOVED (WAMBOLT), SECONDED (PALOZEJ) AND PASSED UNANIMOUSLY TO NOMINATE KEN BRAGA AS VICE CHAIRMAN.**

**MOVED (PALOZEJ), SECONDED (SPURLING) AND PASSED UNANIMOUSLY TO CLOSE NOMINATIONS FOR VICE CHAIRMAN.**

**MOVED (WAMBOLT), SECONDED (SPURLING) AND PASSED UNANIMOUSLY TO ELECT KEN BRAGA AS VICE CHAIRMAN.**

2. Approval of the December 5, 2005 Meeting Minutes

**MOVED (CARDIN), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO APPROVE THE DECEMBER 5, 2005 MEETING MINUTES.**

3. Correspondence:
  - a. Highlights of the Freedom of Information Act

**SO NOTED.**

**VII. ADJOURNMENT:**

**MOVED (WAMBOLT), SECONDED (PALOZEJ) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING AT 8:07 PM.**

Respectfully Submitted,

Reanna Goodreau  
Recording Secretary